

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY
12/06/2001

*** FILED ***
12/10/2001
CLERK OF THE COURT
FORM V000A

HONORABLE MICHAEL D. JONES P.

M. Espinoza
Deputy

CV 2001-011774

Docket Code 019

FILED: _____

BATHROOM SOLUTIONS INC

CLAUDIO E IANNITELLI

v.

LAWRENCE R GRIEGO, et al.

BILL STEPHENS

COURT ADMIN-CIVIL-CCC
PEORIA JUSTICE COURT
REMAND DESK CV-CCC

MINUTE ENTRY

This Court has jurisdiction of this appeal pursuant to the Arizona Constitution Article VI, Section 16, and A.R.S. Section 12-124(A).

This matter has been under advisement since receipt of the reply brief on November 21, 2001. This Court has considered and reviewed the Memoranda submitted by counsel, the record of the proceedings from the Peoria Justice Court and the exhibits made of record.

This case involves a construction contract entered into between the parties in March, 2000 wherein Appellee (Bathroom Solutions, Inc.) contracted with the Appellants in which Appellees agreed to remodel and complete construction work on a bathroom at Appellant's residence. A dispute between the parties arose as to whether the contract was being completed according to its terms and Appellants refused to make payment to Appellees. Appellees then filed suit.

The first issue raised by Appellants alleges that the trial judge erred in precluding their expert witnesses. Having reviewed the record, it appears that the trial judge precluded Appellants' expert witnesses because of the inadequacy of the disclosures made by Appellants. Management of discovery and imposition of sanctions for violation of the discovery rules is a matter within the discretion of the trial court. A trial judge's decision

on such issues will not be reversed absent a clear abuse of discretion.¹ This Court finds no abuse of discretion in the trial judge's order precluding Appellants' expert witnesses.

Appellants also complain that the trial court erred in awarding attorney's fees of \$4,500.00. The standard of review upon appeal is the same as for the previous issue: This Court will not reverse the trial court's judgment in the absence of an abuse of discretion.² Having reviewed the record, this Court finds that the trial judge did not abuse his discretion in awarding attorney's fees to Appellees.

IT IS THEREFORE ORDERED affirming the judgment of the Peoria Justice Court.

IT IS FURTHER ORDERED remanding this matter back to the Peoria Justice Court for all future and further proceedings.

¹ *Brown v. Superior Court*, 137 Ariz. 327, 670 P.2d 725 (1983).

² *Wistuber v. Paradise Valley Unified School District*, 141 Ariz. 346, 687 P.2d 354 (1984).